

pedestal keel forming a base for said bracket to nest on extending outward from said body;

- (d) a handle extending downward from said body; and
- (e) pedestal tongues extending outward in the opposite direction of the pedestal keel away from said body.

Claim 6 (twice amended):

The hanger hoister tool of Claim 1 wherein said pedestal keel and said pedestal tongues have a top and said top of said pedestal keel is offset and lower than said top of said pedestal tongue but the thickness of said heel of said bracket wherein said bracket has a thickness of one-sixteenth of an inch.

### **REMARKS**

Claims 1, 6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambson. Claim 1 has been further amended to demonstrate that the pedestal keel is therefore supporting the bracket, which even if Lambson were found to have a pedestal keel (14), which applicant disagrees is a pedestal keel, nevertheless it does not support the bracket and is not a means for supporting a bracket. In addition, Claim 1 was further amended to state that the pedestal keel forms a base for said bracket to nest on again which clearly distinguishes it from Lambson. Note that Lambson holds the bracket from the inside as opposed to supporting the bracket on the pedestal keel. Claim 1 as amended clearly distinguishes the present invention over Lambson. Claim 6 was rejected by the Examiner on the basis that the size of the bracket can vary. The brackets typically used in the construction field are of one size, clearly as shown in both

the present invention and Lambson. Nevertheless, Claim 6 was amended to add that the bracket has a thickness of one-sixteenth of an inch, which is the size typically used in the construction business and clearly differentiates it over Lambson.

Claim 10 was rejected on the basis that the handle **32** in Lambson is ribbed. Applicant would respectfully disagree that the handle is actually ribbed, but in any event the Claim 10 is dependent on Claim 1, which has been amended to overcome the objection due to Lambson.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lambson in that it would have been obvious to make Lambson out of plastic since plastic tools are of lighter weight. It is exactly for that reason that Lambson could not be made out of plastic, since it could not survive the hammering that is done to the tool in Lambson. It is necessary for Lambson to function and it be made out of a durable metal, whereas in the present invention there are significant advantages to making it out of plastic.

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lambson in view of Duffy and the utility aperture as taught by Duffy. The tool in Lambson is bulky, made out of metal and it is highly unlikely that there would be any advantage to putting an aperture in Lambson. There would be no reason to look to Duffy because one would not be interested in hanging the tool of Lambson.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambson in view of Brodeur. It is not important and probably detrimental for the tool in Lambson to be set in an angle, whereas it is important to the tool of the present invention that the

tool be set at an angle for ease of use. The tool of the present invention and Lambson are used in a very different manner and the advantages to the tool of the present invention would not be advantages in Lambson.

Applicant does reiterate its arguments that surfaces **8** and **9** in Lambson are not pedestals and that Lambson does not show the space in the pedestal tongues and keel and that the spacing is not important to Lambson nor is it important that it be the thickness of the bracket in question. The Examiner further states that the Applicant has not as yet set forth the thickness and Claim 6 has been amended to set forth that thickness. Applicant requests reconsideration. If Examiner does not feel that she is in a position to allow Claims 1 and 6 through 10 after review of the above Amendment, then Applicant requests a telephone or personal meeting with the Examiner to discuss the response to the pending office action.

Respectfully submitted,



---

JOHN C. ANDRADE, ESQUIRE

Attorney for Applicant

Registration No. 31,919

Telephone: (302) 678-3262